

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Lewis F. Powell, Jr. United States Courthouse Annex
1100 E. Main Street, Suite 501
Richmond, Virginia 23219-3517

Patricia S. Connor
Clerk

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August 27, 2007

Jonathan Lee Riches
FEDERAL CORRECTIONAL INSTITUTION WILLIAMSBURG
#40948-018
P. O. Box 340
Salters, SC 29590

Re: 07-7248 Riches v. Swartz
7:07-cv-00379-sgw

Dear Appellant:

This appeal was docketed on 8/27/07 pursuant to Rule 12 of the Federal Rules of Appellate Procedure. Docket number 07-7248 should be placed on all papers subsequently submitted to this Court.

Under the Prison Litigation Reform Act, prisoners must pay to the Clerk of the District Court the full appellate filing and docketing fee required for commencing an appeal. Full payment is required even if you proceeded in forma pauperis in the district court. If you are unable to prepay this fee, you may apply to pay the fee in installments by filing the enclosed forms with the Clerk's Office, U.S. Court of Appeals, on or before 9/11/07:

1. Application to Proceed without Prepayment of Fees
(1 copy)
2. Prisoner Trust Account Statement for the preceding six months (2 copies)
3. Consent to Collection of Fees from Trust Account
(2 copies)

You must give the Trust Account Statement form to a prison officer for each institution in which you have been confined during the preceding six months. A prison officer must complete and sign the Trust Account Statement and return the Statement and supporting documents to you. You must complete and sign the Application to Proceed without Prepayment of Fees and Consent to Collection of Fees from Trust Account and submit all copies of all three forms to the Clerk's Office, U.S. Court of Appeals, on or before 9/11/07 or your appeal will be subject to dismissal for failure to prosecute.

A prisoner who has previously filed, while incarcerated, three or more civil actions or appeals which were dismissed by a federal court as frivolous, malicious, or for failure to state a claim is not

eligible to proceed without prepayment of the full filing fee unless the prisoner is under imminent danger of serious physical injury. If this provision bars you from proceeding without prepayment, you must pay the full filing fee to the district court on or before 9/11/07 or this appeal will be subject to dismissal for failure to prosecute.

If you do not wish to proceed with this appeal, you may file a motion to dismiss the appeal under Rule 42(b) of the Federal Rules of Appellate Procedure, using the enclosed form. If the appeal is dismissed under Rule 42(b) now, no fees will be charged against your account. Once you have consented to collection of fees from your account, however, you may not withdraw your consent or avoid payment of the full appellate filing and docketing fee even if you voluntarily dismiss your appeal. A dismissal under Rule 42(b) is not a dismissal of the appeal as frivolous or malicious and would not count as one of the three such dismissals allowed under the Prison Litigation Reform Act.

Yours truly,

PATRICIA S. CONNOR
Clerk

/s/ Sarah A. Carmichael
By: _____
Deputy Clerk

Enclosure(s)

cc: Clerk, U. S. District Court

MOTION FOR VOLUNTARY DISMISSAL

07-7248 Riches v. Swartz
7:07-cv-00379-sgw

My name is _____. I am the Appellant/Petitioner in the case listed above which is pending in the United States Court of Appeals for the Fourth Circuit, in Richmond, Virginia. Under Rule 42(b) of the FEDERAL RULES OF APPELLATE PROCEDURE, I hereby move to have my case dismissed. I understand that this appeal will be dismissed and will not be eligible to be reinstated at a later date.

Signature
[Notarization Not Required]

Certificate of Service

I certify that on _____ I mailed a complete copy of this Motion to Dismiss and all attachments to all parties, addressed as is shown below.

Signature
[Notarization Not Required]

[List here each party's name and complete mailing address]